

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2021**

*Second Reading*

Resumed from 6 May 2021.

**HON NICK GOIRAN (South Metropolitan)** [3.25 pm]: I rise on behalf of the opposition as the lead speaker as we consider the Statutes (Repeals and Minor Amendments) Bill 2021. The bill before us seeks to repeal various obsolete acts and make minor amendments to a number of other acts. I indicate at the outset that the opposition will be supporting the bill. In doing so, I express my thanks to the Standing Committee on Uniform Legislation and Statutes Review, which had the opportunity to peruse and consider at length this 66-clause bill. Its work is contained in its 135<sup>th</sup> report, which, interestingly, was tabled as long ago as August last year.

I note that in the comments to the report, the committee says that further work is required to address obsolete and unproclaimed statutes and provisions that remain on the statute book. That comment by the committee in its report of August last year rings a number of bells to those of us who have had the opportunity to consider these type of omnibus bills in past Parliaments. We are now, of course, in the forty-first Parliament, but I draw members' attention to the thirty-eighth Parliament, in which the same committee—the Standing Committee on Uniform Legislation and Statutes Review—was chaired by Adele Farina, a very hardworking and forensic lawmaker. She chaired that committee in the thirty-eighth Parliament. I recall at the very end of the thirty-eighth Parliament, which was my first term in this place, I ended up on that committee. At the time, I was serving on four parliamentary committees. By the end of that period, I quickly came to the conclusion that never again would I serve on four parliamentary committees concurrently. It was unreasonable. Three was pressing it; four simply did not work, from my perspective, if I wanted to do the job properly. Nevertheless, this committee chaired by Adele Farina identified 48 obsolete acts at the time. I note that 30 of them have since been repealed. Of course, the question then remains: what is to happen to the other 18 acts that were identified as obsolete as far back as November 2012? Hon Adele Farina and that committee identified these acts as being obsolete as far back as 10 years ago. We will perhaps get to that when we briefly go into Committee of the Whole House.

If I turn to the thirty-ninth Parliament, I note that the then Liberal government introduced three statutes repeal bills, two of which received royal assent, with the last one lapsing just prior to the 2017 state election. Each of those bills were also considered by the Standing Committee on Uniform Legislation and Statutes Review, and the chair of that committee, in the thirty-ninth Parliament, was Hon Kate Doust, another very hardworking and experienced member of Parliament who has my respect. Those reports were tabled in August 2013, June 2016 and November 2016, and they were the eighty-first, ninety-eighth and 104<sup>th</sup> reports respectively. I want to draw to members' attention some comments made by that committee, chaired by Hon Kate Doust, in its ninety-ninth report also of June 2016. Following an inquiry that the committee had self-initiated, the committee found —

If current processes continue, ... it may well take decades for the obsolete legislation identified ... in Report 79 to be repealed.

Remember, that was the report that I referred to earlier in which 10 years ago the committee, which Hon Adele Farina had chaired, had identified 48 obsolete acts. The point made by Hon Kate Doust's committee in 2016 was that if we continue—now I am paraphrasing—at a snail's pace, it will take forever for this obsolete legislation to finally be repealed.

Unlike the previous government, which introduced three of these statutes repeal bills, I note that in the past five years the government has failed to pass one statutes repeal bill, notwithstanding the fact that it has control of the legislative agenda. If I am wrong about that, parliamentary secretary —

**Hon Matthew Swinbourn:** Wasn't there one in 2017?

**Hon NICK GOIRAN:** I think one was introduced, but it was never passed; I think it lapsed. But I would be happy for the parliamentary secretary to correct the record if that is not the case.

As I say, this seems to me to be indicative of the McGowan Labor government's wrong priorities. I could understand that if the government were bringing forward a wave of reforms, these types of important but ultimately administrative bills that clean up the statute book would be a high priority. But let us consider for a moment that the top priority of the Attorney General in the current Parliament was a bill to change the electoral laws. This was something that prior to the election had not been indicated as being on the agenda of the McGowan government. I compare and contrast that with other reforms that have been promised—indeed, expedited in the case of the elder abuse reforms that have never seen the light of day or the laws to create a judicial commission. One wonders why we are here today, on 15 November 2022, considering the Statutes (Repeals and Minor Amendments) Bill 2021. It is an indication from the McGowan government that this bill is its second highest priority today. We just dealt with a bill a few moments ago, which was obviously the priority of the government. Here we are at 3.30 pm and we have only been going for some 90 minutes and the top priority for the government now is the Statutes (Repeals and Minor Amendments) Bill 2021. I might note in passing that I do find it a little odd that somehow this bill is a higher

priority than the other two bills that are on the notice paper for today: the Human Tissue and Transplant Amendment Bill 2022 and the Land Tax Assessment Amendment Bill 2022. It is peculiar and strange, but at the end of the day, it is the government's decision. My point is that in the meantime, where are the bills that were promised—the ones that were going to be expedited? The elder abuse law reforms are nowhere to be seen.

It is perhaps in one sense not surprising when I consider that the Attorney General has been busy selectively intervening into certain court matters, including the well-known, calculated intervention into an expensive bungled case against the Legislative Council or the debacle in the Premier's failed defence in a defamation matter or indeed, not that long ago, shielding the Deputy Premier from having to give evidence in an unfair dismissal case. At the end of the day, as a result of all these types of priorities, or mismanagement, the legislative agenda has disintegrated. I can only hope that for the people of Western Australia and indeed for those of us in the Legislative Council that the reshuffle that will inevitably happen sometime in the next month or so will see some change in 2023 in not only personnel, but also priorities.

I return to the 124<sup>th</sup> report of the committee, which was tabled in November 2019. At this time, in the fortieth Parliament, the Standing Committee on Uniform Legislation and Statutes Review was chaired by Hon Michael Mischin. It is interesting if we pause and reflect for a moment on the calibre of the members of Parliament who have chaired this committee. In the thirty-eighth Parliament, we had Hon Adele Farina. Most members would be hard-pressed to be more hardworking and forensic than her. We then had Hon Kate Doust, who is held in high regard across the Parliamentary chamber. Then in the last Parliament we had Hon Michael Mischin, who was a former Attorney General, and the committee is now chaired by my good friend and hardworking member Hon Donna Faragher, who was also a former government minister. The chairmanship of this committee in four consecutive Parliaments has been held by esteemed members. In its 124<sup>th</sup> report, in November 2019, in the fortieth Parliament, chaired by Hon Michael Mischin, the committee observed that since the 104<sup>th</sup> report had been tabled three years earlier, no statutes repeal bills had been tabled in the Parliament of Western Australia. Indeed, according to my notes, nothing was tabled until 2020.

**Hon Matthew Swinbourn:** Member, I think I was getting myself confused between a minor amendments bill—it wasn't a repeal bill, only the minor amendments one.

**Hon NICK GOIRAN:** Very good.

In its 124<sup>th</sup> report, the committee found that a significant number of potentially obsolete enactments remained on the statute book. Although some mechanisms currently used in WA help to reduce obsolete legislation, they are being under-utilised. Other mechanisms are not being used at all. In its 124<sup>th</sup> report, the committee made 11 recommendations, including that the government introduce an omnibus bill that repeals obsolete legislation, preferably in the fortieth Parliament.

In response to the recommendation in the 124<sup>th</sup> report, tabled in November 2019, which was three years ago, this is what the McGowan Labor government had to say —

*The Department of Justice is preparing an omnibus bill repealing obsolete legislation. The Bill will contain all of the Acts and provisions of Acts identified in the Committee's report as being obsolete or requiring further investigation that are suitable for inclusion in the Bill.*

I will repeat that. The response from the McGowan Labor government to the 124<sup>th</sup> report three years ago was —

*The Department of Justice is preparing an omnibus bill repealing obsolete legislation. The Bill will contain all of the Acts and provisions of Acts identified in the Committee's report as being obsolete or requiring further investigation that are suitable for inclusion in the Bill.*

The question is: where is the bill? That was the response from the McGowan Labor government three years ago. I assume that the author of this government response is none other than the current Attorney General. I am happy to be corrected, but three years ago he authorised this government response indicating that that is happening in the Department of Justice. Where is the omnibus bill? It is not apparent that there has been any such bill, and it is certainly not the one presently before us. Was this response some three years ago the latest example of unreliable information provided to Parliament by the Attorney General?

Let us turn for a moment to the 131<sup>st</sup> report of the Standing Committee on Uniform Legislation and Statutes Review, tabled in November 2019. The committee considered the Statutes (Repeals and Minor Amendments) Bill 2020. That particular bill lapsed when Parliament was prorogued prior to the 2021 state election. In other words, the government had two years in which to progress that bill through Parliament. It chose not to. It would have taken, one would assume, the same amount of time that this bill will take today, nevertheless it chose not to and so it lapsed. In the 131<sup>st</sup> report the committee identified that a number of obsolete acts and provisions as identified by the government were not included in the 2020 bill and that more work was required regarding obsolete subsidiary legislation listed in the 124<sup>th</sup> report and unproclaimed acts that have received royal assent. Keep in mind this is despite the fact that the government had responded to the 124<sup>th</sup> report indicating that it was busy working on an omnibus bill that would contain all those things. The committee also noted, interestingly, at page 1 of this 131<sup>st</sup> report

that the Premier's circular was rescinded in March 2019 and not replaced—that is, that it took some umbrage with the fact that it had not been informed by the government that that circular had been rescinded. This circular governed the drafting and content of omnibus legislation for almost a decade. It is certainly within the prerogative of government to decide to rescind these things, but as a courtesy, effectively, the committee indicated that it ought to have been informed.

The committee then goes on to say at paragraph 3.13 of the 131<sup>st</sup> report —

The Committee notes the Premier's advice that all Premier's Circulars will only be valid for the term of government and automatically be rescinded on 30 June of any election year unless evidence supports their continuation. This is analogous to the Committee's view that any unproclaimed legislation and provisions should be repealed if the Executive has not brought them into operation after 10 years of receiving Royal Assent.

The government stated in its response that that idea of automatically repealing unproclaimed legislation is not suitable and instead it was considering a more flexible mechanism, which it referred to as the Canadian model. I draw to members' attention the government response to the 124<sup>th</sup> report in which the government specifically says in response to recommendations 6 and 7 —

*The Government supports in principle a legislative mechanism to manage unproclaimed enactments.*

*The Government does not support the Committee's recommendation to amend the Interpretation Act 1984 to provide for the automatic repeal of unproclaimed Acts or provisions, as set out in Appendix 9.*

This report will be well known to Hon Pierre Yang, who was the deputy chair of the committee at the time. The government goes on to say —

*In some circumstances, it is necessary for the commencement of an Act or provision to be delayed. A good example of this is the Commonwealth Powers (De Facto Relationships) Act 2006. The model presented by the Committee does not provide for any flexibility in these circumstances.*

*The Government will consider implementing a more flexible mechanism, such as the Canadian model set out in the Statutes Repeal Act S. C. (Statutes of Canada) 2008, c.20.*

What is happening with that? The government indicated some three years ago that it was considering the Canadian model. Has this been done? What is the status of this matter? Perhaps the parliamentary secretary can indicate that in his reply to the second reading.

I turn to the 135<sup>th</sup> report from the Standing Committee on Uniform Legislation and Statutes Review, which expressly deals with the bill presently before us; that is, the Statutes (Repeals and Minor Amendments) Bill 2021. This committee noted that the bill before us is very similar to the 2020 bill that lapsed when the fortieth Parliament prorogued, but noted that the bill includes some additional items for repeal and minor drafting changes. Very importantly, it reiterated the comments made in the 131<sup>st</sup> report with regard to the number of obsolete acts and provisions identified by government that have not been included in this bill, and also reiterated the comments made in that earlier report that more work is required regarding obsolete subsidiary legislation listed in the 124<sup>th</sup> report and unproclaimed acts that have received royal assent. There is, of course, still no mechanism for dealing with unproclaimed acts that have received royal assent, notwithstanding recommendations 6 and 7 found in the 124<sup>th</sup> report. As I said earlier, the government's response was that it would instead be considering the Canadian model.

The committee noted a response or some advice, if you like, from the Canadian Minister of Justice and Attorney General, who was consulted. I draw to the attention of members the response provided in the 124<sup>th</sup> report of the committee in the fortieth Parliament. There, the following comment is made by the Minister of Justice and Attorney General of Canada in a letter from 2018 saying —

The [Canadian Statutes Repeal Act] is achieving its purpose by steadily reducing the number of statutes in the Canadian federal statute book while increasing government accountability for the exercise of the powers delegated by Parliament to bring legislation into force.

Meanwhile, while the Canadians are getting on with it, unproclaimed legislation continues to sit idly on the statute book in Western Australia. The executive's discretion to decide when a law made by Parliament comes into effect impinges on parliamentary sovereignty and, as has been said by multiple members of Parliament, both government and opposition over the years, this should be limited. Nevertheless, it must be recognised that the bill presently before us will achieve the repeal of a number of acts and in that respect, it ought to be supported. However, we ask the government to provide an explanation about why it has failed to deliver on its commitment in its response that it gave to the 124<sup>th</sup> report of the Standing Committee on Uniform Legislation and Statutes Review.

**HON MATTHEW SWINBOURN (East Metropolitan — Parliamentary Secretary)** [3.48 pm] — in reply: The member has already indicated that we will go into committee and I suspect he will want to ventilate some of the matters that he has raised in his contribution to the second reading debate in further detail in the Committee of

the Whole House stage. It is probably, to some degree, better for me to have access to my advisers to give the member more precise answers regarding some of the matters he raised.

I appreciate that the member has indicated that the opposition is supporting the Statutes (Repeals and Minor Amendments) Bill 2021. It would be earth shattering if he did not. Some of the newer members might not understand that these kind of omnibus bills are not allowed to contain anything that changes any existing right or those sorts of things, because it is an effort to tidy up the statute book and remove any obvious errors. I did not check all the history of these kinds of bills; I am sure that they have never been opposed by anyone. They may have been used as a vehicle for lengthy debate, but never to be in conflict. I am probably waffling on a bit about that.

Hon Nick Goiran referred to the government's priorities; he knows what my response will be. I am not going to get into those sorts of things; we are here today to deal with the Statutes (Repeals and Minor Amendments) Bill 2021, which has been on the notice paper for a considerable period. It has the ignominy of being listed sixth for many, many sitting weeks and it has finally percolated its way up to number two so we are dealing with it now.

Hon Nick Goiran referred to the Canadian model. I am advised that it remains under consideration and no decision has been made. That is as far as I am going to be able to take him on that —

**Hon Nick Goiran:** Which particular point?

**Hon MATTHEW SWINBOURN:** The Canadian model for dealing with obsolete acts. As I say, it remains under consideration.

I was a member of the Standing Committee on Uniform Legislation and Statutes Review at the time that it considered this bill, but I note for the parliamentary record—it is in the report—that I did not partake in any of the deliberations relating to this matter given that I have carriage of the bill. I am not in any position to provide recollections on the deliberations of the committee because I was not involved in them. That was appropriate given the conflict between my role of having carriage of the bill and any possible recommendations that the committee might have made to make amendments that I might not have been able to support. In any event, this bill is in and of itself not controversial. Broader issues surrounding the statute book might be, but I think if we can mostly focus on what is in the bill, we will probably get through it quite quickly. I commend the bill to the house.

Question put and passed.

Bill read a second time.

#### *Committee*

The Deputy Chair of Committees (Hon Dr Sally Talbot) in the chair; Hon Matthew Swinbourn (Parliamentary Secretary) in charge of the bill.

#### **Clause 1: Short title —**

**Hon NICK GOIRAN:** In his second reading reply, the parliamentary secretary indicated that the Canadian model is under consideration. I think he indicated that he would be able to not take us too much further in that matter. Has the task of considering the Canadian model, putting some material together, perhaps consulting with the Canadians and referring back to the Attorney General been assigned to a particular officer?

**Hon MATTHEW SWINBOURN:** I can advise that the task has been assigned to an officer, but it would be fair to say that in the order of that officer's priorities, it is not currently high on the list of things that they are doing. I think it would be disingenuous of me to suggest otherwise given the lengthy time, but it remains under continuing consideration and somebody has been assigned to it.

**Hon NICK GOIRAN:** To tease this out a little bit further, can the parliamentary secretary indicate how long this person has had this task and, perhaps more importantly than that, is there at least some sort of a schedule or estimate of when this might be concluded? I appreciate the parliamentary secretary's comment that it is understandably not the highest priority for the officer, but are they working towards a target date; for example, in the first half of next year or the end of next year?

**Hon MATTHEW SWINBOURN:** I am not in a position to tell the member how long that person has been assigned. There is no current target date that I am able to give the member; I have the two advisers here and I cannot take the member much further than that.

**Hon NICK GOIRAN:** No problem. The government will understand if, in those circumstances, no-one holds their breath on when we might see something resembling the Canadian model.

Do any of the bill's 66 clauses deal with unproclaimed acts?

**Hon MATTHEW SWINBOURN:** Just by way of clarification, the member asked about unproclaimed acts rather than a part or a section, because it might take us a bit longer if he is getting down to that level of detail.

**Hon Nick Goiran:** That is where I was going to go next, but for the time being, I am looking at unproclaimed acts.

**Hon MATTHEW SWINBOURN:** We are working on an answer. I do not think it is that complicated but we want to be sure that the answer is correct. We do not think so, but I have an adviser here who can check. If it is okay with the member, we can get on with other parts of the bill that he wants to deal with, and I might get the principal advisory officer to focus on that.

**Hon NICK GOIRAN:** Moving on, the parliamentary secretary will recall that during the second reading debate I referred the house to the 124<sup>th</sup> report of the Standing Committee on Uniform Legislation and Statutes Review, which was then chaired by Hon Michael Mischin. As I mentioned, Hon Pierre Yang will be very familiar with the report because he was the deputy chair. The report sets out nine appendices. Appendix 2 refers to acts identified by the government as obsolete. Why has the government not included in this bill all the obsolete acts and provisions identified by the committee, despite responding to the 124<sup>th</sup> report by indicating that it would?

**Hon MATTHEW SWINBOURN:** Certain matters were identified by government as obsolete in the committee's 124<sup>th</sup> report, but upon further review by the Department of Justice, in consultation with relevant agencies, they were not included for a number of reasons in general. They will be repealed through another act or are already repealed or spent, are under review in another project, have been identified by the agency as not being suitable for repeal or require further review and/or legal advice. They are the reasons those matters were not included in the 2020 omnibus bill and, hence, in the 2021 bill.

**Hon NICK GOIRAN:** Let us keep in mind that it was the government that identified these bills as obsolete.

**Hon Matthew Swinbourn:** Yes.

**Hon NICK GOIRAN:** At some point the hardworking parliamentary committee has to rely on the accuracy of the information provided to it by government. The government says, "Yes, we've carefully considered these particular pieces of the statute book and we consider them to be obsolete." The parliamentary committee agrees and reports that to Parliament. The government then responds and says that it agrees and tells the committee that the Department of Justice has a project officer busy at work making sure it happens. But now we find that the government wants to take more time. The explanations provided were that they will be repealed by some other mechanism and that the government no longer considers the legislation obsolete. There are 14 acts identified by the government as obsolete in the 124<sup>th</sup> report. Which of the 14 acts in the report does the government upon reflection say are no longer obsolete and we really do need them?

**Hon MATTHEW SWINBOURN:** First, I will explain what I am advised is the process that generated the list in the 124<sup>th</sup> report. The committee would have written to each of the ministers and therefore their agencies. Those agencies would have then identified acts or sections of acts suitable for repeal. Of course, the Department of Justice is not involved in that process unless it is legislation in one of its areas. The committee gives its report containing all those matters. The Department of Justice then prepares the omnibus bill based on that. It would go directly to the agencies and consult with them, and the agencies do at times identify legislation that is not suitable for repeal. As I have said, the omnibus bill that is prepared is based upon the most recent advice. I am speculating, but in my view it might be worthwhile if agencies could advise the Standing Committee on Uniform Legislation and Statutes Review if their position has changed so that the committee would be given the most up-to-date information, although that might be asking a bit too much.

Hon Nick Goiran asked me to identify the acts that are now not considered suitable for repeal. It is more sections rather than acts. I will go through the list that I have. The first is the Transport Co-ordination Act 1966, sections 47A to 47F. Those sections were originally included in the 124<sup>th</sup> report of the committee following the work of the Department of Justice in preparing the omnibus bill that was then identified. For some acts, I have been given reasons for why the agency thinks repeal is no longer suitable, and for some I have not, so I will not be able to take it any further. In the case of this act, no additional information was provided as to why these provisions are no longer suitable for repeal.

The next is the Insurance Commission of Western Australia Act 1986, section 14. The reason given is that section 14 is not suitable for repeal because it contains policy considerations. The next is the Port Authorities Act 1999, section 144. No explanation is provided as to why that is no longer considered suitable for repeal. The agency has changed its position from when it had advised the committee.

The next is the Museum Act 1969, sections 27 and 37. The Department of Local Government, Sport and Cultural Industries, as it was called at that time, has advised that these provisions are not suitable for repeal. No information has been provided as to why. The next is the Main Roads Act 1930, sections 12A and 12B, and section 28. The reason given is that these provisions relate to matters of policy and are not suitable for repeal. No further information is provided.

**Hon Nick Goiran:** What about the Electricity Act?

**Hon MATTHEW SWINBOURN:** I do not have that on my list so far. We may get to that. I am working my way through it.

The next is the Agriculture and Related Resources Protection Act 1976, sections 83A and 106A. I do not think the list has been compiled alphabetically, because we have gone back to “A”. The Department of Primary Industries and Regional Development has advised that these provisions are not suitable for repeal and has provided no further information as to why.

The next is the Security and Related Activities (Control) Act 1996, section 47(1)(c). The WA Police Force advises that this provision is not suitable for repeal but has provided no further information as to why.

As a general comment, member, if there is any hint that any provisions still have some operative or policy role, they would not be included in a repeal act. The issue, which I am sure is what the member is referring to, is: why not advise the committee of that in the first place?

The next is the Western Australian Tourism Commission Act 1983, section 29. This is a review provision and is not suitable for repeal. I suppose that is an explanation in itself. My notes say that no explanation was provided as to why a provision for review that ought to have taken place as soon as is practicable after 1 January 2000 is still required. I think that might have been a comment from the committee. Some of these relate to what the committee itself has said, rather than the Department of Justice.

The next is the entire Perth Market Disposal Act 2015. The Department of Treasury has advised that the act and the provisions related to the disposal of the Perth Market asset should not be repealed as certain matters have not been finalised, and that additional information can be provided to the committee if required.

The next is the entire Shipping and Pilotage Amendment Act 2006. The Department of Transport has advised that this act is not suitable for repeal. I do not have any further information as to why that is the case. The next is the entire South Fremantle Oil Installations Pipeline Act 1848. Again, the then Department of Local Government, Sport and Cultural Industries has advised that the act is not suitable for repeal at this time. No further information has been provided as to why.

The next is again the Transport Co-ordination Act 1966, this time section 43AA. The Department of Transport has advised that this section is not suitable for repeal, and again no reasons have been provided.

I will just confer with the advisers, but those acts cover off the question that the member asked about which sections have been identified as not suitable for repeal. That includes some entire acts that are obviously obsolete. I hope I have given the member a sufficient explanation.

**Hon NICK GOIRAN:** I thank the parliamentary secretary for making some effort to identify those provisions. Before I return to the acts that were identified by the government as obsolete and seek a further explanation as to why they do not appear to have been addressed, I make the observation that this has been a useful dialogue. Hopefully, the respective departments will now feel some obligation to provide to the Standing Committee on Uniform Legislation and Statutes Review faithfully accurate information. They cannot just write a letter in a haphazard, careless and frivolous fashion. I am sure there was no bad faith by anyone who wrote to the committee at the time and said, “We believe these particular provisions and acts can be repealed. They are obsolete and no longer needed.” However, if for whatever reason they now have a different view, they have an obligation to go back to the committee and alert it to that fact. It would be like a member of this place taking the first available opportunity to correct the record. In my view, government departments should do that if evidently they have now come to the conclusion that they have a different view.

That said, to return to the 124<sup>th</sup> report, 14 acts were identified by government as obsolete. A number of those are imperial acts. I will park those to one side, because the imperial enactments are dealt with in clause 4 of the bill. Clause 3 of the bill deals with what are referred to as Western Australian acts. Two acts stand out to me that do not appear in clause 3, yet they are on the list in appendix 2 of the report. They are the Marketing of Potatoes Act 1946 and the Unclaimed Money (Superannuation and RSA Providers) Act 2003. Do we have an explanation as to why those two acts are not included?

**Hon MATTHEW SWINBOURN:** I am advised that the Marketing of Potatoes Act 1946 was repealed by the Marketing of Potatoes Amendment and Repeal Act 2016. There was a provision in that act that provided for its repeal —

**Hon Nick Goiran:** Section 13.

**Hon MATTHEW SWINBOURN:** Yes, correct.

**Hon Nick Goiran:** Has section 13 been proclaimed?

**Hon MATTHEW SWINBOURN:** Yes. It was proclaimed in 2021. That had the effect of removing it from the statute book. The other act, the Unclaimed Money (Superannuation and RSA Providers) Act 2003, has also been repealed, but we do not have the information at the table about the mechanism that effected the repeal. If it is important

to the member, we can find out, but that is the advice. I can see the member nodding, but *Hansard* cannot pick up nods.

**Hon Nick Goiran:** I am very satisfied with the response of the parliamentary secretary.

**Clause put and passed.**

**Clauses 2 and 3 put and passed.**

**Clause 4: Imperial enactments repealed —**

**Hon NICK GOIRAN:** Will this clause repeal all the imperial enactments previously identified by the government and then reported by the Standing Committee on Uniform Legislation and Statutes Review, particularly at appendix 2 of the committee's 124<sup>th</sup> report, *Inquiry into the form and content of the statute book*?

**Hon MATTHEW SWINBOURN:** The short answer is yes, but there is an additional one, which the member may have picked up. I believe it is the Judgements Act 1855 (Imp). The explanation is —

Section 9 of the *Judgements Act* 1855 (Imp) relates to fees payable to a “prothonotary”: —

I have never heard of that before. In any event, it is —

a position that exclusively applies to the Counties Palatine of Lancaster and Durham in the United Kingdom.

This section cannot apply to Western Australia and is obsolete.

Did you know that word? It is a new one for our vocabulary!

**Hon NICK GOIRAN:** No. We learn something new every day, parliamentary secretary. If the Leader of the House were here, she would have just quickly googled the definition!

I just indicate that I only have one further question on the entire bill.

**Hon Matthew Swinbourn:** Yes, I think we were trying to secure an answer for you about all the acts that have been —

**Hon NICK GOIRAN:** I think it was about acts that were identified as obsolete acts and included.

**Hon Matthew Swinbourn:** No. It was whether or not any of them had been proclaimed. We were just checking up on that, and I might have an answer for you.

**Hon NICK GOIRAN:** That aside, only one question remains. The report deals quite extensively with subsidiary legislation that has been identified by the government as obsolete. It is not apparent that that is addressed in the bill before us. Why is that?

**Committee interrupted, pursuant to standing orders.**

[Continued on page 5242.]